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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Tara Amado, on behalf of herself, all others
similarly situated, and the general public,

Plaintiff,

v.

The Procter & Gamble Co.,

Defendant.

Case No: 3:22-cv-5427-MMC

**JOINT STIPULATED REQUEST FOR AN
ORDER GRANTING PLAINTIFF LEAVE TO
FILE A SECOND AMENDED COMPLAINT AND
SETTING ASSOCIATED DEADLINES**

[N.D. Cal. Civ. L.R. 6-1 and 6-2]

WHEREAS, on September 22, 2022, Plaintiff filed her Complaint against The Procter & Gamble Company (“P&G” or “Defendant”) (Dkt. No. 1);

WHEREAS, on September 28, 2022, Plaintiff sent P&G a Request for Waiver of Service of Summons, which P&G executed on October 11, 2022 (Dkt. No. 7);

WHEREAS, on November 28, 2022, P&G filed a Motion to Dismiss the Complaint (Dkt. No. 17 (“Motion to Dismiss”));

WHEREAS, Plaintiff chose to amend her complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1)(B);

WHEREAS, Plaintiff’s amended complaint was originally due December 19, 2022, *see* Fed. R. Civ. P. 15(a)(1)(B);

WHEREAS, the parties requested and the Court granted an extension of Plaintiff’s deadline to file a First Amended Complaint (“FAC”) to January 13, 2023 (Dkt. No. 20 at 1);

WHEREAS, Plaintiff filed her FAC on January 13, 2023 (Dkt. No. 21);

WHEREAS, pursuant to the Court’s Order Granting Stipulated Request for Order Regarding Deadlines for Plaintiff’s First Amended Complaint and the Procter & Gamble Company’s Motion to Dismiss the First Amended Complaint, P&G’s motion to dismiss the FAC is currently due on or before February 10, 2023 (Dkt. No. 20 at 1);

WHEREAS, counsel for Plaintiff have been retained by a citizen of New York for the purpose of filing a class action lawsuit against P&G for claims relating to the marketing and sale of the Metamucil products at issue in this action (*see* FAC, Dkt. No. 21, at 2 n.1);

WHEREAS, Plaintiff cannot amend her complaint to add this New York citizen as a plaintiff and class representative in this action without P&G’s consent or the Court’s leave, *see* Fed. R. Civ. P. 15(a)(2);

WHEREAS, Plaintiff believes that amendment of the complaint now will promote judicial economy by preventing piecemeal and duplicative litigation in light of P&G’s anticipated motion to dismiss;

WHEREAS, P&G consents to Plaintiff amending her pleading pursuant to Fed. R. Civ. P. 15(a)(2), but expressly reserves all rights and defenses to any amended pleading, including those under Federal Rule of Civil Procedure 12(b);

WHEREAS, the parties have conferred regarding amendment of the complaint and a mutually agreeable schedule for the filing of Plaintiff's Second Amended Complaint ("SAC") and for the briefing of P&G's anticipated motion to dismiss the SAC, and respectfully request, pursuant to Civil L.R. 6-1 and 6-2, that the Court enter a stipulated order granting the parties' requested briefing schedule;

WHEREAS there is good cause for this request because amendment will preserve judicial and party resources, avoid piecemeal litigation, and will not prejudice the interests of the parties or the Court;

WHEREAS, the Court has not entered a Scheduling Order pursuant to Fed. R. Civ. P. 16, and so this request will not affect any other case deadlines;

NOW, THEREFORE, pursuant to Civil L.R. 6-1 and 6-2, and subject to the approval of the Court, the parties hereby stipulate to the filing of a SAC and the following schedule:

1. Plaintiff shall file her SAC on or before February 10, 2023.
2. P&G shall file its Motion to Dismiss the SAC on or before March 10, 2023.
3. Plaintiff shall file her Opposition to P&G's Motion to Dismiss the SAC on or before March 31, 2023.
4. P&G shall file its Reply in support of its Motion to Dismiss the SAC on or before April 14, 2023.
5. P&G's Motion to Dismiss the SAC will be set for hearing on April 28, 2023, at 9:00 a.m., or on another date thereafter at the Court's convenience.

Dated: February 1, 2023

FITZGERALD JOSEPH LLP

By: /s/ Melanie Persinger¹

Melanie Persinger

Attorney for Plaintiff

¹ Pursuant to N.D. Cal. Civ. L.R. 5-1(i)(3), I hereby attest that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: February 1, 2023

COVINGTON & BURLING LLP

By: /s/ Henry Liu

Henry Liu

*Attorney for The Procter & Gamble
Company*

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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v.

The Procter & Gamble Co.,

Defendant.

Case No: 3:22-cv-5427-MMC

**DECLARATION OF MELANIE
PERSINGER IN SUPPORT OF
STIPULATED REQUEST FOR ORDER
GRANTING LEAVE TO FILE A SECOND
AMENDED COMPLAINT AND SETTING
ASSOCIATED DEADLINES**

[N.D. Cal. Civ. L.R. 6-1 and 6-2]

1 I, Melanie Persinger, declare:

2 1. I am a member in good standing of the State Bar of California; of the United States District
3 Courts for the Northern, Central and Southern Districts of California; and of the United States Courts of
4 Appeal for the Ninth Circuit. I make this declaration based on my own personal knowledge, in support of
5 the parties' Joint Stipulated Request for an Order Granting Leave to File a Second Amended Complaint
6 and Setting Associated Deadlines.

7 2. On November 28, 2022, The Procter & Gamble Co. ("P&G") timely filed its Motion to
8 Dismiss the Complaint (Dkt. No. 17).

9 3. Plaintiff's deadline to amend her complaint as a matter of course in response to P&G's
10 motion was December 19, 2022. *See* Fed. R. Civ. P. 15(a)(1)(B).

11 4. The parties requested and the Court granted an extension of Plaintiff's deadline to file a First
12 Amended Complaint ("FAC") to January 13, 2023, and of P&G's deadline to file a motion to dismiss the
13 FAC to February 10, 2023 (Dkt. No. 20).

14 5. Plaintiff filed her FAC on January 13, 2023 (Dkt. No. 21).

15 6. Counsel for Plaintiff have since been retained by a citizen of New York for the purpose of
16 filing a class action lawsuit against P&G for claims relating to the marketing and sale of the Metamucil
17 products at issue in this action.

18 7. Plaintiff cannot amend her complaint to add a New York citizen as a plaintiff and class
19 representative in this action without P&G's consent or the Court's leave, *see* Fed. R. Civ. P. 15(a)(2).

20 8. The parties have met and conferred and, through their respective attorneys, stipulate to
21 Plaintiff filing a Second Amended Complaint ("SAC") and to the following schedule for Plaintiff's SAC
22 and for the briefing of P&G's anticipated motion to dismiss the SAC, pursuant to Local Rule 6-1 and 6-2:

23 a. Plaintiff shall file her SAC on or before February 10, 2023.

24 b. P&G shall file its Motion to Dismiss the SAC on or before March 10, 2023.

25 c. Plaintiff shall file her Opposition to P&G's Motion to Dismiss the SAC on or before
26 March 31, 2023.

27 d. P&G shall file its Reply in support of its Motion to Dismiss the SAC on or before
28 April 14, 2023.

e. P&G's Motion to Dismiss the SAC will be set for hearing on April 28, 2023, at 9:00 a.m., or on another date thereafter at the Court's convenience.

9. This request constitutes the parties' second request to extend case deadlines.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 1st day of February, 2023, in San Diego, California.

By: /s/ Melanie Persinger
Melanie Persinger

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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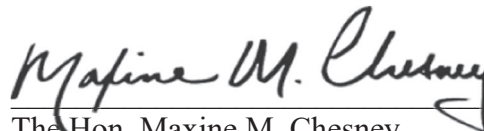
~~PROPOSED~~ ORDER GRANTING
STIPULATED REQUEST FOR LEAVE TO FILE
A SECOND AMENDED COMPLAINT AND
SETTING ASSOCIATED DEADLINES

Having reviewed the Parties' Joint Stipulated Request for an Order Granting Plaintiff Leave to File a Second Amended Complaint and Setting Associated Deadlines Pursuant to Local Rule 6-2, and for good cause shown, IT IS HEREBY ORDERED THAT Plaintiff is granted leave to file a Second Amended Complaint ("SAC") and the deadline for Plaintiff's SAC and the briefing schedule for P&G's anticipated motion to dismiss the SAC shall be as follows:

1. Plaintiff shall file her SAC on or before February 10, 2023.
2. P&G shall file its Motion to Dismiss the SAC on or before March 10, 2023.
3. Plaintiff shall file her Opposition to P&G's Motion to Dismiss the SAC on or before March 31, 2023.
4. P&G shall file its Reply in support of its Motion to Dismiss the SAC on or before April 14, 2023.
5. P&G's Motion to Dismiss the SAC will be set for hearing on April 28, 2023, at 9:00 a.m., ~~or on another date thereafter at the Court's convenience.~~

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: February 3, 2023


The Hon. Maxine M. Chesney
United States District Judge